UNITED STATES PATENT AND TRADEMARK OFFICE

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10/043,357	01/09/2002	Jennifer Kellam	ARIBP064	6337

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EXAMINER
ONYEZIA, CHUKS N

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3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/043,357	KELLAM ET AL.
	Examiner	Art Unit	
	CHUKS ONYEZIA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03/23/2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,5-11 and 13-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,5-11 and 13-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicants' amendment and arguments filed on 03/23/2010
have been fully considered, and discussed below. It is noted
that applicant has amended claims 1, 2, 5, 8, 9, 13, 16, 19-22,
25, and 28-30 canceled claims 3, 4, and 12 and added claims 31-
32. Therefore, claims 1, 2, and 5-11, and 13-32 are pending and
currently considered for examination.

Claim Rejections - 35 USC § 103

2.   Claims 1, 2, and 5-11, and 13-32 rejected under 35 U.S.C.
103(a) as being unpatentable over Blalock et al. U.S.
Application Publication No. 2001/0047284 A1 (PTO-892 Reference
A) in view of Sheth U.S. Application Publication No.
2001/0032170 A1 (PTO-892 Reference B).

3.   As per claim 1, Blalock teaches a method of driving
competition in an auction comprising:

    a.   Receiving a plurality of bids from a plurality of

    bidders (Blalock paragraph[0059], each carrier can submit

    its bids, lane by lane, through the web site interface)

    b.   using a processor to distinguish the bidders into at

    least a first subset and a second subset based on a

    parameter (Blalock paragraph[0144], there are one or more

matrices which display the lowest rate-per-mile bids

submitted by zone)

c.   assigning at least one identifier to the bidders in

the first subset; (Blalock paragraph[0145], it can be seen

that state or regional codes are used to identify both the

rows (origin) and the columns (destination) that comprise

the matrix . . . a shipper can view the lowest mileage rate

for a particular transportation zone as determined through

bidding by participating carriers);

d.   Wherein the at least one identifier is known to the

bidders in the first subset (Blalock paragraph[0061], a

shipper <u>may choose not to allow carriers</u> to view

information associated with other carrier bids, or the

shipper may choose to post bids "publicly" via the web site

to create a dynamic bidding process) examiner interprets

that if a shipper can choose to limit a carrier from

viewing bid information then it is implied that other, non

selected, carriers would be able to view this information;

e.   Displaying, to each bidder in the first subset of

bidders a lowest bid and an identifier assigned to the

bidder that submitted the lowest bid (Blalock paragraph

[0140], data columns provide specific information about the

bids that have been submitted with respect to the various

accessorials listed in the table . . . the "Min" is the

minimum bid; Blalock paragraph [0144], there are one or

more matrices which display the lowest rate-per-mile bids

submitted by zone).

However, Blalock does not explicitly teach, one identifier known

to the bidders in the first subset and is neither assigned to

nor known to the bidders in the second subset. Sheth teaches

creating an on-line private marketplace for a subset of vendors

(see Sheth paragraph [0086]). Sheth also teaches the option of

allowing vendors of the created subset to view other bids (Sheth

paragraph [0090]). One of ordinary skill in the art would have

found motivation to combine these teachings to create a multiple

subset that are private to other created subsets, for the

purpose of establishing an exclusive group of vendors that are

qualified and interested in bidding on projects(Sheth paragraph

[0015]).

4.   Claims 13 and 22 are rejected using logic similar to that

used above to reject claim 1.

5.   As per claim 2, Blalock teaches the method of claim 1 as

discussed above. Blalock further teaches, receiving a new lowest

bid and displaying to each bidder in the first subset of bidders

the new lowest bid and an identifier assigned to the bidder that

submitted the new lowest bid (Blalock paragraph[0146], selection

of the "Submit Status Changes" button updates the status of each

carrier with respect to the particular RFQ in the integral

database)

6.   As per claim 5, Blalock teaches the method of claim 1 as

discussed above. Blalock further teaches, setting a first set of

bid terms for the first subset and setting a second set of bid

terms for the second subset, wherein the first set of bid terms

and second set of bid terms are not identical, (Blalock

paragraph[0139], If the shipper allows open bidding on the

accessorial, the designation "Open" appears in the "Bid Rule"

data column)

7.   As per claim 6, Blalock teaches the method of claim 5 as

discussed above. Blalock further teaches, setting comprises

establishing at least one of a reserve price, a historic price,

a target price, time dependent variables, and bid strategies

(Blalock paragraph[0102], the displayed data is but a preferred

selection and layout of data which could be modified); the

displayed data is notes as being time dependent variables such

as contract period, preview time, bidding start time, award

time, and acceptance time as shown in table B.

8.   As per claim 7, Blalock teaches the method of claim 6 as

discussed above. Blalock further teaches, establishing comprises

providing time dependent variables including at least one of an

opening time, a closing time, time extensions, and disclosures
based on time (Blalock paragraph[0102], the displayed data is
but a preferred selection and layout of data which could be
modified); the displayed data is notes as being time dependent
variables such as bidding start time, bidding stop time, preview
time, and acceptance time as shown in table B.

9.   As per claim 8, Blalock teaches the method of claim 1 as
discussed above. Blalock further teaches, the parameter
comprises at least one of regions, payment terms, delivery
terms, contract length, contract volume, material, and
qualification status (Blalock paragraph[0143], Matrix bidding
allows carriers participating in an RFQ to submit rate-per-mile
bids for particular transportation zones, from one geographic
area to another)

10. As per claim 9, Blalock teaches the method of claim 8 as
discussed above. Blalock further teaches:

    f.   The parameter comprises regions (Blalock
    paragraph[0145], it can be seen that state or regional
    codes are used to identify both the rows (origin) and the
    columns (destination) that comprise the matrix);

    g.   The competition comprises global and regional
    competition (Blalock claim 12, wherein said computer

network is the World Wide Web portion of the global

Internet); and

h.   The assigning comprises allotting a range of numbers

to each region and giving a number to each bidder in the

region (Blalock paragraph[0094], The PERSONAL PROFILE

SCREEN includes a data entry window with multiple data

entry fields, indicated generally by reference numeral 54,

that allow the logged-in shipper to revise its personal

profile data. In this particular embodiment, the following

information may be revised) the information to be revised

includes address, city, state, and postal code as depicted

in table A and Figure 4-2. It is well known to those

skilled in the art that postal code is an allotment of a

range of numbers denoting separate regions or subsets of a

geographical area.

11. As per claim 10, Blalock teaches the method of claim 9 as

discussed above. Blalock further teaches, displaying comprises

illustrating the lowest bids to allow a comparison regionally

and globally (Blalock paragraph[0144], there are one or more

matrices which display the lowest rate-per-mile bids submitted

by zone; also Blalock figure 10-2 illustrates the lowest bid as

"Min")

12. As per claim 11, Blalock teaches the method of claim 1 as
discussed above. Blalock further teaches, receiving comprises
accepting bids for a plurality of lots (Blalock claim 1, wherein
each of said carriers can submit bids on one or more of the
plurality of transportation lanes comprising said request for
quotation)

13. As per claim 14, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, parameter comprises at
least one of regions, payment terms, delivery terms, contract
length, contract volume, material, and qualification status
(Blalock paragraph[0143], Matrix bidding allows carriers
participating in an RFQ to submit rate-per-mile bids for
particular transportation zones, from one geographic area to
another)

14. As per claim 15, Blalock teaches the system of claim 14 as
discussed above. Blalock further teaches the subsets comprise:

     i.   geographical areas for the regions (Blalock
     paragraph[0145], it can be seen that state or regional
     codes are used to identify both the rows (origin) and the
     columns (destination) that comprise the matrix);

     j.   methods of payment for the payment terms (Blalock
     paragraph[0181] By selecting the "Remittance" hyperlink the

shipper is re-directed to a screen displaying remittance

contact information for the carrier);

k.   methods of delivery for the delivery terms (Blalock

paragraph[0182], By selecting the "Equipment" hyperlink,

the shipper is re-directed to a screen displaying detailed

information about the carrier's equipment, including, but

not limited to, number of tractors owned, leased trailers,

total trailers, number of driving teams);

l.   times for the contract length (Blalock

paragraph[0102], the displayed data is but a preferred

selection and layout of data which could be modified; the

displayed data is notes as being contract period as shown

in table B);

m.   capacities for the contract volume (Blalock

paragraph[0224], The third data entry field is labeled

"Cap." In this data entry field the carrier enters its

capacity, i.e., the volume of truckloads the carrier can

accommodate for the specified lane during a designated

period of time);

n.   types of material for the material (Blalock

paragraph[0182], selecting the "Equipment" hyperlink, the

shipper is re-directed to a screen displaying detailed

information about the carrier's equipment, including, but

not limited to, number of tractors owned, leased trailers,
total trailers, number of driving teams); and

o.   at least one of approval and certification for the
qualification status (Blalock paragraph[0147], status of
each carrier is an indication of its approved level of
participation with respect to a particular RFQ . . . An
"approved" carrier can fully participate in the RFQ).

15. As per claim 16, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, identifier comprises a
number selected from a range of numbers assigned to the subset
(Blalock paragraph[0094], The PERSONAL PROFILE SCREEN includes a
data entry window with multiple data entry fields, indicated
generally by reference numeral 54, that allow the logged-in
shipper to revise its personal profile data. In this particular
embodiment, the following information may be revised) the
information to be revised includes address, city, state, and
postal code as depicted in table A and Figure 4-2. It is well
known to those skilled in the art that postal code is an
allotment of a range of numbers denoting separate regions or
subsets of a geographical area.

16. As per claim 17, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, database stores bid
terms for each subset (Blalock paragraph[0139], If the shipper

allows open bidding on the accessorial, the designation "Open"
appears in the "Bid Rule" data column)

17. As per claim 18, Blalock teaches the system of claim 17 as
discussed above. Blalock further teaches, bid terms comprise at
least one of a reserve price, a historic price, a target price,
time dependent variables, and bid strategies (Blalock
paragraph[0102], the displayed data is but a preferred selection
and layout of data which could be modified); the displayed data
is notes as being time dependent variables such as contract
period, preview time, bidding start time, award time, and
acceptance time as shown in table B.

18. As per claim 19, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, the processor is
further configured to <u>cause a display of, for each bidder in the</u>
<u>first subset of bidders a new </u>lowest bids <u>and an identifier</u>
<u>assigned to the bidder that submitted the </u>with new lowest bids
(Blalock paragraph[0146], selection of the "Submit Status
Changes" button updates the status of each carrier with respect
to the particular RFQ in the integral database)

19. As per claim 20, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, at least one
identifier indicates a number of bidders in the first subset
(Blalock paragraph [0111], the next category of data columns

relates to OTR transportation bids. Specifically, "Bids" refers
to the number of bids that have been submitted by carriers with
respect to a particular lane)

20. As per claim 21, Blalock teaches the system of claim 13 as
discussed above. Blalock further teaches, at least one
identifier varies by subset and conceals a number of bidders in
each subset (Blalock paragraph[0061], Specifically, a shipper
may choose not to allow carriers to view information associated
with other carrier bids)

21. As per claim 23, Blalock teaches the medium of claim 22 as
discussed above. Blalock further teaches, parameter comprises at
least one of regions, payment terms, delivery terms, contract
length, contract volume, material, and qualification status
(Blalock paragraph[0143], Matrix bidding allows carriers
participating in an RFQ to submit rate-per-mile bids for
particular transportation zones, from one geographic area to
another)

22. As per claim 24, Blalock teaches the medium of claim 22 as
discussed above. Blalock further teaches:

     p.   geographical areas for the regions (Blalock
     paragraph[0145], it can be seen that state or regional
     codes are used to identify both the rows (origin) and the
     columns (destination) that comprise the matrix);

q.   methods of payment for the payment terms (Blalock

paragraph[0181] By selecting the "Remittance" hyperlink the

shipper is re-directed to a screen displaying remittance

contact information for the carrier);

r.   methods of delivery for the delivery terms (Blalock

paragraph[0182], By selecting the "Equipment" hyperlink,

the shipper is re-directed to a screen displaying detailed

information about the carrier's equipment, including, but

not limited to, number of tractors owned, leased trailers,

total trailers, number of driving teams);

s.   times for the contract length (Blalock

paragraph[0102], the displayed data is but a preferred

selection and layout of data which could be modified; the

displayed data is notes as being contract period as shown

in table B);

t.   capacities for the contract volume (Blalock

paragraph[0224], The third data entry field is labeled

"Cap." In this data entry field the carrier enters its

capacity, i.e., the volume of truckloads the carrier can

accommodate for the specified lane during a designated

period of time);

u.   types of material for the material (Blalock

paragraph[0182], selecting the "Equipment" hyperlink, the

shipper is re-directed to a screen displaying detailed

information about the carrier's equipment, including, but

not limited to, number of tractors owned, leased trailers,

total trailers, number of driving teams); and

v.   at least one of approval and certification for the

qualification status (Blalock paragraph[0147], status of

each carrier is an indication of its approved level of

participation with respect to a particular RFQ . . . An

"approved" carrier can fully participate in the RFQ).

23. As per claim 25, Blalock teaches the medium of claim 22 as

discussed above. Blalock further teaches, first identifier

comprises a number selected from a range of numbers assigned to

the first subset (Blalock paragraph[0094], The PERSONAL PROFILE

SCREEN includes a data entry window with multiple data entry

fields, indicated generally by reference numeral 54, that allow

the logged-in shipper to revise its personal profile data. In

this particular embodiment, the following information may be

revised) the information to be revised includes address, city,

state, and postal code as depicted in table A and Figure 4-2. It

is well known to those skilled in the art that postal code is an

allotment of a range of numbers denoting separate regions or

subsets of a geographical area.

24. As per claim 26, Blalock teaches the medium of claim 22 as

discussed above. Blalock further teaches, database stores bid

terms for each subset (Blalock paragraph[0139], If the shipper

allows open bidding on the accessorial, the designation "Open"

appears in the "Bid Rule" data column)

25. As per claim 27, Blalock teaches the medium of claim 26 as

discussed above. Blalock further teaches, bid terms comprise at

least one of a reserve price, a historic price, a target price,

time dependent variables, and bid strategies (Blalock

paragraph[0102], the displayed data is but a preferred selection

and layout of data which could be modified); the displayed data

is notes as being time dependent variables such as contract

period, preview time, bidding start time, award time, and

acceptance time as shown in table B.

26. As per claim 28, Blalock teaches the medium of claim 22 as

discussed above. Blalock further teaches, receiving a new lowest

bid and displaying to each bidder in the first subset of bidders

the new lowest bid and an identifier assigned to the bidder that

submitted the new lowest bid (Blalock paragraph [0146], selection

of the "Submit Status Changes" button updates the status of each

carrier with respect to the particular RFQ in the integral

database).

27. As per claim 29, Blalock teaches the medium of claim 22 as
discussed above. Blalock further teaches, identifiers indicate a
number of bidders in each subset (Blalock paragraph[0111], The
next category of data columns relates to OTR transportation
bids. Specifically, "Bids" refers to the number of bids that
have been submitted by carriers with respect to a particular
lane)

28. As per claim 30, Blalock teaches the medium of claim 22 as
discussed above. Blalock further teaches, first identifier
conceals a number of bidders in the first subset (Blalock
paragraph [0061], specifically, a shipper may choose not to
allow carriers to view information associated with other carrier
bids).

29. As per claim 31, Blalock teaches the method of claim 1 as
discussed above. Blalock further teaches, assigning includes
assigning a plurality of identifiers to the bidders in the first
subset (Blalock paragraph [0145], it can be seen that state or
regional codes are used to identify both the rows (origin) and
the columns (destination) that comprise the matrix . . . a
shipper can view the lowest mileage rate for a particular
transportation zone as determined through bidding by
participating carriers).

30. As per claim 32, Blalock teaches the method of claim 31 as

discussed above. Blalock further teaches, each of the

identifiers included in the plurality of identifiers have a

common characteristic(Blalock paragraph [0145], it can be seen

that state or regional codes are used to identify both the rows

(origin) and the columns (destination) that comprise the matrix

. . . a shipper can view the lowest mileage rate for a

particular transportation zone as determined through bidding by

participating carriers).

Response to Arguments

31. Applicant's arguments filed 03/23/2010 have been fully

considered but they are not persuasive.

    Applicant argues that:

Blalock does not explicitly teach, one identifier known to the

bidders in the first subset and is neither assigned to nor known

to the bidders in the second subset.

    Examiner responds that:

It is agreed that Blalock does not explicitly teach, one

identifier known to the bidders in the first subset and is

neither assigned to nor known to the bidders in the second

subset. Sheth teaches creating an on-line private marketplace

for a subset of vendors (see Sheth paragraph [0086]). Sheth also

teaches the option of allowing vendors of the created subset to view other bids (Sheth paragraph [0090]). One of ordinary skill in the art would have found motivation to combine these teachings to create a multiple subset that are private to other created subsets, for the purpose of establishing an exclusive group of vendors that are qualified and interested in bidding on projects(Sheth paragraph [0015]).

Conclusion

32.   The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

- ✓ Sernet U.S. Application Publication No. 2002/0032632 A1
  (PTO-892 Reference C) discloses a trading system with
  anonymous bidding functions.

- ✓ Rupp et al. U.S. Patent No. 7,383,206 B2 (PTO-892 Reference
  D) discloses multiple variable bidding which provides
  bidders market feedback during bidding.

33.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the
extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than
SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. O./   /Alexander Kalinowski/

Examiner, Art Unit 3691   Supervisory Patent
                                      Examiner, Art Unit 3691

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